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12
13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA`

15 KEITH KELLY,

16 Plaintiff,

17 VS.

18 CITY OF SACRAMENTO, a municipal
19 corporation; ARIAN TERMAN, individually and
20 in his official capacity as a Police Officer for the
21 CITY OF SACRAMENTO; DARBY
22 LANNOM, individually and in his official
23 capacity as a Police Officer for the CITY OF
24 SACRAMENTO; and DOES 1-50, inclusive,
25 individually and in their official capacity as
26 police officers for the Sacramento Police
27 Department,

28 Defendants.

CASE NO.: 2:21-cv-01324-JAM-KJN

STIPULATION AND ORDER ALLOWING
PLAINTIFF TO FILE SECOND AMENDED
COMPLAINT FOR DAMAGES

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WHEREAS on July 28, 2021, Plaintiff filed his Complaint for damages against the City of Sacramento (“Defendants”). At the time of the filing, Plaintiff did not know the identity of the K9 handler involved in the incident.

WHEREAS Plaintiff eventually discovered that Arian Terman and T. Darby Lannom of the Sacramento Police Department were responsible for the deployment and supervision of said deployment.

WHEREAS on November 22, 2021, Defendants filed a Motion to Dismiss, seeking to dismiss Plaintiff's *Monell, First Amendment, Denial of Medical, Care* claims.

WHEREAS Plaintiff is amendable to the dismissal of his *Monell, First Amendment, Denial of Medical Care* claims.

WHEREAS Plaintiff seeks to file his Second Amended Complaint for Damages, which names the appropriate Defendants to the appropriate causes of action.

WHEREAS a copy of Plaintiff's proposed Second Amended Complaint for Damages is attached hereto as **Exhibit "A."**

IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants, by and through their respective counsel, that:

1. Plaintiff should be granted leave to amend to file his Second Amended Complaint for Damages, a copy of which is attached hereto as **Exhibit “A.”**
 2. Defendant’s responsive pleading shall be due twenty-one (30) days after the Second Amended Complaint for Damages is served.

Law Offices of John L. Burris

Dated: March 25, 2022

/s/Kenneth Chike Odiwe
John L. Burris
Kenneth Chike Odiwe
Attorneys for Plaintiff

Dated: March 25, 2022

/s Ricardo Baca
Ricardo Baca
DGR

ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, and pursuant to the Court's inherent and statutory authority, including but not limited to the Court's authority under the applicable Federal Rules of Civil Procedure and the United States District Court, Eastern District of California Local Rules; and upon such other evidence or argument as was presented to the Court; Good Cause appearing therefor, and in furtherance of the interests of justice:

1. Plaintiff shall be granted leave to amend to file his Second Amended Complaint for Damages, a copy of which has been attached as **Exhibit “A.”**

2. Defendant's responsive pleading shall be due thirty (30) days after the Second Amended Complaint for Damages is served.

IT IS SO ORDERED.

Dated: March 30, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE